

ORDINANCE NO. 453

AN ORDINANCE CHANGING THE FUNCTIONS OF THE CITY PLANNING COMMISSION, CREATING A DEVELOPMENT REVIEW BOARD, REPLACING THE DESIGN REVIEW BOARD AND TRANSPORTATION ADVISORY COMMISSION, AND PROVIDING FOR THE SELECTION OF LAND USE REFEREES TO ACT ON APPEALS OF DECISIONS ON EXPEDITED LAND DIVISIONS.

WHEREAS, the State of Oregon has enacted a law (ORS 227.178) requiring the City to take final action, including appeals, on most land use matters within 120 days of their filing; and,

WHEREAS, the State of Oregon has enacted a law (ORS 197.360) requiring final action on certain land development applications, known as "expedited land divisions," within 63 days of their filing and specifying that appeals of decisions on expedited land divisions shall be heard by referees who are neither employees nor officials of the City; and,

WHEREAS, the existing practice of reviewing development applications under the provisions of the Wilsonville Code requires separate reviews by the Transportation Advisory Commission, Design Review Board, Planning Commission, and City Council; and,

WHEREAS, the City has found it extremely difficult to complete the development review process within the statutorily defined limits and still provide for meaningful citizen involvement and a quality end result; and,

WHEREAS, the heavy time demands placed on the Planning Commission by numerous development applications in recent years have made it virtually impossible for the Commission to also engage in the process of advising the City Council about more long range planning matters such as policy changes, legislative changes to the Comprehensive Plan, and amendments to the text of the Zoning Code; and,

WHEREAS, the City is now engaged in numerous long-range planning efforts that will benefit from the formation of a Commission that is specifically charged with these responsibilities without having to deal with the day-to-day matters of development review; and,

WHEREAS, the City has a group of talented and committed volunteers in the existing Planning Commission, Design Review Board, and Transportation Advisory Commission who are willing to serve on a reorganized Planning Commission and Development Review Board.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION I: Reorganization of Boards and Commissions. Chapter Two of the Wilsonville Code is hereby amended as follows:

2.320 Planning Commission - Purpose and Members.

(1) (a) The City Planning Commission is hereby reestablished and shall consist of seven (7) members who are not employees of the City. Members of the City Planning Commission shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that not more than two (2) Planning Commissioners may be appointed who do not reside within the City of Wilsonville if they are registered architects, landscape architects, professional engineers, or members of the American Institute of Certified Planners, and their particular expertise is found to be needed on the Commission.

(b) Not more than two (2) members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership or officers or employees of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than two (2) voting members shall be engaged in the same kind of business, trade or profession.

(c) One member of the City Council shall serve as an ex officio non-voting member of the Planning Commission.

(d) One member of the Planning Commission shall be designated as the liaison to represent the Planning Commission at City Council meetings when Planning Commission recommendations are considered. The liaison role may be rotated among the Planning Commission members.

(2) Planning Commission members shall make every effort to attend all meetings and to notify the chair to prearrange absences other than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.

(3) The Planning Commission shall annually elect a Chair and Vice-Chair who shall be voting members. This election shall take place at the first regular meeting each year.

2.321 Planning Commission - Terms of Office.

(1) Each member of the Planning Commission shall serve a four-year term or until a successor is appointed. Provided, however, that the terms of two (2) of the Commissioners shall expire at the end of calendar year 1997, two (2) shall expire at the end of 1998, and three (3) shall expire at the end of 1999. Any vacancy shall be filled for the unexpired term of the predecessor in the office. No member shall hold appointment for more than two (2) full consecutive terms, but any person may be appointed again to the Commission after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of two consecutive four-year terms after completing the unexpired term of another commissioner.

2.322 Planning Commission - Powers & Duties.

(1) The Commission shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State, the City Charter and this Code. Four members of the Commission constitute a quorum. A quorum is required to take final action on an issue.

(2) Except as otherwise provided by law, it shall be the duty of the Planning Commission and it shall have power to:

(a) Recommend and make suggestions to the City Council and to all other public authorities concerning betterment of transportation and public transit, including, but not limited to, the layout, widening, extending, and locating of streets, sidewalks, bicycle lanes and boulevards, parking of vehicles and bicycles, relief of traffic congestion and improvement of traffic safety; the betterment of housing and sanitation conditions; the establishment of regulations applying to zones or districts, including but not limited to, limiting the use, height, area, bulk, and other characteristics of buildings and structures relating to land development; setting standards for the division of property and setting standards for landscaping; and the protection and assurance of access to incident solar radiation and to wind for potential future electrical generation or mechanical application.

(b) Recommend to the City Council and all other public authorities:

1) Plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and

development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities; and

2) Plans for the promotion, development and regulation of the industrial and commercial economic needs of the community in respect to such pursuits.

(c) Do and perform all other acts and things necessary or proper to carry out the provisions of this Code and of applicable portions of the Oregon Revised Statutes.

(d) Study and propose in general such measures as may be advisable for promotion of the public interest, health, safety and welfare of the City and of the planning area within six miles thereof.

(e) Consider and make recommendations to the City Council on proposed amendments to the text of Chapter Four of the Wilsonville Code and the text of the Comprehensive Plan, including sub-elements and facility plans.

(f) Consider and make recommendations to the Wilsonville Urban Renewal Agency Board on proposed redevelopment plans.

(g) Review and make recommendations to the City Council on all Petitions or Applications that are determined to be legislative land use proposals, including proposed policies, code amendments and Comprehensive Plan amendments that are legislative in nature. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Planning Commission.

(3) The Planning Commission shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code. All recommendations made to the City Council by the Planning Commission shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director's designee, shall be authorized to convey such recommendations orally.

(4) The Planning Commission shall have all the powers which are now or may hereafter be given to it to perform legislative functions under the laws of the State of Oregon and the Wilsonville Code.

(5) The Planning Director shall be responsible for determining whether a petition or application for a land use proposal is quasi-judicial or legislative in nature, after consultation with the City Attorney.

2.323 Planning Commission - Expenditures.

- (1) The Planning Commission shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.
- (2) Planning Commissions members shall receive no compensation but shall be reimbursed for expenses.

2.330 Development Review Board - Purpose and Members.

(1) (a) There is hereby created a Development Review Board for the purpose of reviewing, and taking action on, quasi-judicial land use applications. In the interest of efficiency, the Development Review Board shall sit as two separate panels, each of which is hereby empowered to sit separately and make decisions or recommendations on applications. Each panel of the Development Review Board shall consist of five (5) members who are not elected officials or employees of the City. One member of each panel shall be designated as a liaison to attend City Council meetings and represent the Development Review Board when applications previously reviewed by the Board require City Council action. The liaison position may be rotated among the Board Members.

(b) Members of the Development Review Board shall be residents of the City who are appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council. Provided, however, that not more than one member of each Development Review Board panel may be appointed who does not reside within the City of Wilsonville if he/she is a registered architect, landscape architect, professional engineers, or members of the American Institute of Certified Planners, and that particular expertise is found to be needed on the Board.

(c) Not more than one member of each Development Review panel shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, or be a member of any partnership or officer or employee of any corporation engaged principally in the buying, selling or developing of real estate for profit. Not more than one voting member of each panel shall be engaged in the same kind of business, trade or profession

(2) Development Review Board members shall make every effort to attend all meetings of their respective panels and to notify the chair to prearrange absences other

than emergencies. Unexcused absences from three meetings in any calendar year may be grounds for removal.

(3) The members of one panel of the Development Review Board may replace absent members of the other panel at any meeting in order to assure that a quorum is present to conduct business. Three (3) members shall constitute a quorum for each panel.

(4) Each panel of the Development Review Board shall annually elect a person to chair meetings and a vice-chair, who shall be voting members. This election shall take place at the first regular meeting each year.

(5) Notwithstanding the provision of two panels in Section 2.330(1) above, if the Planning Director and the Chair of each panel determine that a development application is of such a large scale that the public interests will be better served by combining the panels, the chairs may call the two panels together, *en banc*, to hear the application. Six members shall constitute a quorum when the two panels convene jointly.

2.331 Development Review Board - Terms of Office.

Each member of the Development Review Board shall serve a two-year term, or until a successor is appointed. Provided, however, that the terms of two (2) of the members of each panel shall expire at the end of calendar year 1996, and the terms of three (3) members of each panel shall expire at the end of 1997. Any vacancy shall be filled for the unexpired term of the predecessor in the office. No member shall hold appointment for more than three (3) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year. However, an appointee may subsequently be appointed to a maximum of three consecutive two-year terms after completing the unexpired term of another board member.

2.332 Development Review Board - Powers & Duties.

(1) Except as otherwise provided by law, it shall be the duty of the Development Review Board, and it shall have power to take action on all quasi-judicial land use applications assigned for review to the Planning Commission or Design Review Board in Chapter Four of this Code.

(2) Applications to be reviewed by the Development Review Board typically include: subdivisions and major partitions, other than those processed as "expedited land divisions", planned developments, site level review of specific development proposals, design review applications, street naming and vacations, zoning variances and conditional use permits, and quasi-judicial amendments to Comprehensive Plan designations or zoning.

(3) The Development Review Board shall conduct its meetings and deliberations in accordance with the laws of the State of Oregon and the Wilsonville Code.

(4) All recommendations made to the Council by the Development Review Board shall be in writing, except under emergency circumstances, in which case the Planning Director, or the Director's designee, shall be authorized to convey such recommendations orally. Before taking final action on any such matters, the City Council shall carefully consider the reports and recommendations of the Development Review Board.

(5) The Development Review Board shall have all the quasi-judicial powers which are now or may hereafter be given to land use hearings officers or planning commissions under the laws of the State of Oregon and the Wilsonville Code.

(6) The Planning Director shall be responsible for determining whether an application is quasi-judicial or legislative in nature, after consultation with the City Attorney.

2.333 Development Review Board - Expenditures.

(1) The Development Review Board shall have no authority to make any expenditures on behalf of the City, or to obligate the City for the payment of any sums of money.

(2) Development Review board members shall receive no compensation but shall be reimbursed for expenses.

2.338 Referee Selection for Appeals of Expedited Land Division Decisions.

(1) The Planning Director shall maintain a list of persons whom the Director has pre-qualified as having the requisite training, education, and experience to serve as referees

for appeals of decisions on expedited land divisions, as provided in ORS 197.375. The rate of compensation shall also be established and listed by the Planning Director. Upon filing of an appeal of a decision on an expedited land division, the Planning Director shall select the referee to perform the personal hearing services at the established rates and at such times and places as the Planning Director shall determine. The list of referees and rates shall be reviewed at least annually by the Planning Director to provide current information.

SECTION II: Provisions dealing with Design Review Board and Transportation Advisory Commission repealed.

Previous Wilsonville Code Sections 2.330 through 2.334 dealing with the Design Review Board, and 2.340 through 2.341 dealing with the Transportation Advisory Commission, are hereby repealed.

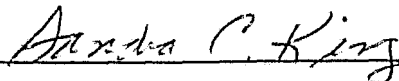
SECTION III: Effective Date

In order to allow for an orderly and efficient transition from the current organization of the effected Boards and Commissions to the new organization, this ordinance shall take effect on May 1, 1996.

SECTION IV: Validity

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other provision of this ordinance which can be given effect without reference to the invalid part or parts.

SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 4th day of March, 1996, and scheduled for second reading at a regular meeting on the 18th day of March, 1996, commencing at the hour of 7 p.m. at the Wilsonville City Hall Annex, Community Development Hearings Room.



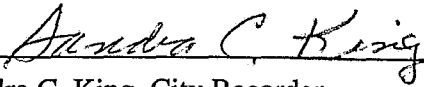
Sandra C. King, City Recorder

ENACTED by the Wilsonville City Council on the 18th day March, 1996, by the following vote:


AYE: 4

NAY: 0

ABSENT: 1


Sandra C. King, City Recorder

DATED and signed by the Mayor this 20 day of March, 1996.


Gerald A. Krummel, Mayor

SUMMARY of votes:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Leo	Yes
Councilor Hawkins	Yes
Councilor Leahy	Absent